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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91172816
Party	Defendant fonemine, Inc. fonemine, Inc. 924 Borregas Avenue Sunnyvale, CA 94089
Correspondence Address	DAVID H. JAFFER PILLSBURY WINTHROP SHAW PITTMAN LLP 2475 HANOVER ST PALO ALTO, CA 94304-1114
Submission	Answer
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Date	10/26/2006
Attachments	ANSWER78636498.pdf (8 pages)(148885 bytes)

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Attorneys for Applicant

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL & APPEAL BOARD**

In the Matter of Trademark Application:

Serial Number	Mark	Class
78/636,498	FONEBAY	42

EBAY, INC.)	
)	
Opposer)	Opposition No. 91172816
)	
v.)	ANSWER TO NOTICE OF
)	OPPOSITION
FONEMINE INC.)	
)	
Applicant)	
)	
)	

fonemine, Inc. ("Applicant"), a Delaware corporation and the owner of U.S. Trademark Application No. 78/636,498, does hereby answer the Notice of Opposition filed by eBay Inc., as follows:

I. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 1 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

2. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 2 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

3. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 3 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

4. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 4 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

5. Applicant accepts the listing in Exhibit C to Opposer's Notice of Opposition, but lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations regarding the registrations as set forth in Paragraph 5 of the Notice of Opposition.

6. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 6 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

7. Applicant accepts the information listing of eBay's registrations and applications set forth in Paragraph 7 of the Notice of Opposition, but lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 7 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

8. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 8 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

9. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 9 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

10. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 10 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

11. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 11 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

12. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 12 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

13. Applicant admits the allegations set forth in Paragraph 13 of the Notice of Opposition.

14. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 14 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

15. Applicant denies each and every allegation set forth in Paragraph 15 of the Notice of Opposition.

16. Applicant denies each and every allegation set forth in Paragraph 16 of the Notice of Opposition.

17. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 17 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

18. Applicant incorporates by reference answers to paragraph 1 through 17, inclusive, as if fully set for here.

19. Applicant denies each and every allegation set forth in Paragraph 19 of the Notice of Opposition.

20. Applicant denies the allegation set forth in the first sentence in Paragraph 20 of the Notice of Opposition. Applicant admits the allegation set for in the second sentence in Paragraph 20 of the Notice of Opposition. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in the last sentence of Paragraph 20 of the Notice of Opposition.

21. Applicant denies every allegation set forth in Paragraph 21 of the Notice of Opposition.

22. Applicant denies the allegations set forth in Paragraph 22 of the Notice of Opposition.

23. Applicant denies the allegations set forth in Paragraph 23 of the Notice of Opposition.

24. Applicant incorporates by reference answers to paragraph 1 through 24, inclusive, as if fully set for here.

25. Applicant admits the allegation set forth in Paragraph 25 of the Notice of Opposition.

26. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 26 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

27. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 27 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

28. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 28 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

29. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 29 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

30. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 30 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

31. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 30 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

32. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 30 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

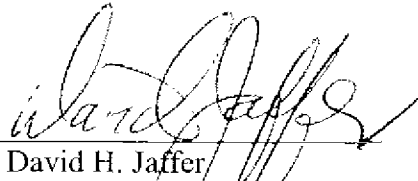
33. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 30 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

34. Applicant denies the allegations set forth in Paragraph 34 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

35. Applicant denies the allegations set forth in Paragraph 35 of the Notice of Opposition.

36. Applicant does not believe that eBay will be damaged by registration of the **FONEBAY** mark, and therefore, Applicant respectfully requests a decision by the Trademark Trial and Appeal Board in its favor that Opposition No. 91172816 filed against it be denied.

Respectfully submitted,

By: 

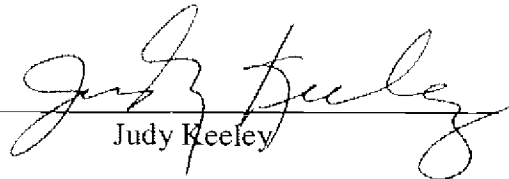
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CERTIFICATE OF TRANSMISSION

I hereby certify that the foregoing Answer to Notice of Opposition is being transmitted to the Trademark Trial and Appeals Board via the Electronic System for Trademark Trials and Appeals on the date indicated below:

Date: October 26, 2006

By: _____


Judy Keeley

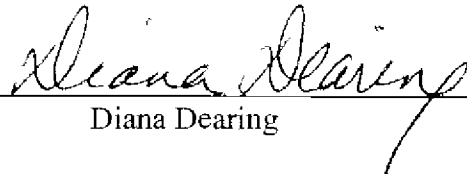
CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer to Notice of Opposition was sent to counsel for Opposer by United States Postal Service as First Class mail in an envelope addressed as follows on the date indicated below:

Kristin K. Manley
COOLEY GODWARD LLP
101 California Street, 5th Floor
San Francisco, California 94111

Date: October 26, 2006

By: _____


Diana Dearing